

Defendant.

OPINION & ORDER  
[Resolving Docs. [1](#), [18](#).]

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Case No. 1:11-CV-02241  
Gwin, J.

In this case, neither party has objected to the Report and Recommendation. Moreover, having conducted its own review of the record and the parties' briefs, the Court agrees with the recommendation of Magistrate Judge Burke that the Court affirm the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference, and **DISMISSES** Plaintiff Sheboy's complaint.

IT IS SO ORDERED.

Dated: October 1, 2012

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE